

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - *DPW AND PARKS, RECREATION & RAILROAD*

DATE: APRIL 30, 2013

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
MERLINO
CONOVER
WOOD
TAYLOR
FRASIER
DICKINSON
MASON

COMMITTEE MEMBER ABSENT:

SUPERVISOR MONTESI

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
JUSTIN GONYO, GENERAL SUPERINTENDENT, SARATOGA NORTH CREEK RAILWAY
REPRESENTING THE KING'S SCHOOL:

DEREK BEVAN, PASTOR
CORY PATTERSON, ADMINISTRATOR
DAVID AVIGDOR, LEGAL COUNSEL

KEVIN GERAGHTY, CHAIRMAN OF THE BOARD

FRANK THOMAS, BUDGET OFFICER

JOAN SADY, CLERK OF THE BOARD

JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR

SUPERVISORS LOEB

STRAINER

VANSELOW

JULIE PACYNA, PURCHASING AGENT

MIKE SWAN, COUNTY TREASURER

DR. FREDD SENSER-LEE, BOTANICAL BLOSSOMINGS ON THE BIKEWAY-USA

JOANNE SMITH, TOWN OF NORTH CREEK RESIDENT

DON LEHMAN, *THE POST STAR*

AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Bentley called the meeting of the Public Works Committee to order at 10:08 a.m.

Motion was made by Mr. Dickinson, seconded by Mr. Taylor and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Paul Butler, Director of the Parks, Recreation & Railroad Division, who distributed copies of the meeting agenda to the Committee members; *a copy of same is on file with the minutes.*

Commencing the agenda review with the Saratoga North Creek Railway (SNCR) Update, Mr. Butler noted Justin Gonyo, SNCR General Superintendent, was in attendance to make a request for authorization to add windows to existing buildings at the North Creek Station. Mr. Gonyo confirmed that SNCR was seeking permission to install two windows in the former Freight House building at the North Creek Station which was currently being used as a ticket office and gift shop. He continued that the new windows would provide better lighting for the building, which had a tendency to become very dark inside, due to the lack of windows. Mr. Gonyo noted that in order to maintain the historic design of the Freight House building, they intended to use the same dimensions and style of the windows incorporated in the Station Building.

Motion was made by Mr. Mason, seconded by Mr. Taylor and carried unanimously to authorize SNCR to install two new windows in the former Freight House Building at the North Creek Station, as outlined above, and the necessary resolution was authorized for the May 17th Board meeting.

Concerning SNCR operations, Mr. Gonyo reported they had transported an average of 100 passengers per weekend during the month of March, which was not too bad considering they had not previously provided service during this time of year. He said they had averaged the same ridership figures for the month of April, which they were very pleased with.

Mr. Bentley questioned whether there was new information to present relative to freight operations and Mr. Gonyo replied that SNCR continued to work with Barton Mines and expected to transport two more loads of freight from that location during the month of May. Mr. Gonyo stated that he did not feel they were at a point where they could provide any specifics regarding their potential customer base, but apprised of a meeting held at the former Tahawus Mines with National Lead and a few other potential customers. He said they were waiting for a favorable rate to compete with trucking rates for the shipment of logs to Canada; he added that, assuming they were able to obtain favorable rates from the Canadian Pacific and Montreal Maine Atlantic rail lines, they could expect to see log freight movement as soon as the upcoming summer season. Additionally, Mr. Gonyo advised of a recent meeting with a logging outfit located in Hadley, NY who was interested in moving their entire operation to the Palmer Falls rail branch, which led to the former International Paper Mill in Corinth, NY. He said the logging operation also sought to transport their logs to Canada and they were awaiting favorable rates from the Canadian Pacific and Montreal, Maine and Atlantic rail lines for this freight transport, as well. Mr. Gonyo concluded that while the potential for freight operations seemed favorable, he anticipated they were still at least six months away from the introduction of regular freight runs.

Mr. Butler announced the next agenda item called for further discussion on the request for conceptual approval of the pedestrian railroad crossing proposed by The King's School; he noted there were several representatives of The King's School present to comment on this matter. Mr. Butler said a site meeting had been held to collect more information on the crossing proposal and he advised the conceptual plans had been updated to include more detailed information, as requested by the Committee members at a prior meeting, a copy of which was included in the agenda packet.

Privilege of the floor was extended to David Avigdor, Legal Counsel for The Kings' School, who began by apologizing for not being able to attend the meeting where the conceptual plans were presented and discussed. He outlined the situation surrounding the need for a pedestrian railroad crossing, apprising that The King's School's rich outdoor education/recreation physical education and sports programs were greatly impacted by the location of the fields, which were on the opposite side of the railroad tracks from school buildings, requiring that younger children be bussed to and from the fields while older students walked along a high-traffic section of highway where there were no established sidewalks or safety measures. Mr. Avigdor noted that according to discussion held at a prior meeting, the Committee had expressed a desire for more detailed crossing construction plans, which he agreed would be appropriate for review prior to seeking final approvals or commencing with construction; however, he said, the plans would incur a considerable cost to the School, and although they were prepared to fund them without County assistance, they would seek conceptual approval for the crossing before incurring the expense of more detailed plans.

Mr. Avigdor said that while they understood the trepidation experienced by the Committee with regards to approving the plans for construction of a crossing where a number of children would cross an active railroad on a regular basis, he assured the Committee that prior to presenting their conceptual plans, representatives of The King's School had consulted the Federal Railroad Administration (FRA), which served as the regulating agency for all rail lines in the United States, to ensure that all specifications and regulations were being complied with in the conceptual crossing plans. He stated that, with all due respect to the Committee's safety concerns, the FRA was the expert source for determining how to keep the crossing area safe, and the criteria provided had been included in the crossing plans presented. Additionally, Mr. Avigdor advised that The King's School had garnered the signatures of more than 150 parents, guardians or family members of attending students, staff members and other interested parties, who were in favor of introducing the railroad crossing; *a copy of the signatures was presented to the Clerk of the Board and is on file with the meeting minutes.* He commented that while the petition was not meant to be served in a legal manner, but rather to represent the sentiment of the parents, staff and community members with an interest in enhancing the education and experiences of the children that attended The King's School. Mr. Avigdor noted that SNCR had assisted in the establishment of the crossing plans and had also asserted their consent of the safety measures

included therein. He concluded that, as the owner of the railroad tracks, The King's School was seeking Warren County's conceptual approval of the crossing plans so that they could move forward with confidence in commissioning more specific construction plans.

Mr. Dickinson questioned whether The King's School was already using the proposed crossing site to reach their athletic fields and Mr. Avigdor replied in the negative, but advised that they had used the existing path in the past, before the rail line had become active in its current incarnation.

In response to a question posed by Mr. Butler with respect to liability insurance for the crossing, Cory Patterson, Administrator of The Kings' School, advised that she had performed extensive research through both the FRA and various insurance companies regarding the proper amount of coverage for the crossing site. She said the liability limits requested by SNCR were \$2 million per occurrence, \$6 million aggregate during the crossing construction, which the School's current insurance provider indicated they were able to provide without issue; however, she noted that she had canvassed several other insurance companies to ensure that the crossing would be adequately insured. Ms. Patterson said that although the insurance requirements associated with the construction process and the activated crossing were somewhat different, The King's School's current insurance carrier had assured that they would be able to provide coverage in both instances and she said the School already had the monies available to fund the associated premiums.

Mr. Dickinson questioned what the liability limits would be once the crossing became active and Ms. Patterson replied that the insurance company was not able to guarantee what the appropriate coverage level would be until after the construction was complete and a site inspection could be performed by underwriters of the insuring company; however, she added, the School's insurance carrier had indicated they were confident that the \$2 million/\$6 million limits would be sufficient. Jeffery Tennyson, Superintendent of Public Works, interjected that Martin Auffredou, County Attorney, had been advised of the aforementioned insurance liability limits, following which he had indicated they would be sufficient for the County's needs, as well. Mr. Taylor asked whether The King's School carried an umbrella insurance policy and Ms. Patterson replied affirmatively, noting that it provided an additional \$1 million in liability insurance coverage. Mr. Conover questioned whether both Warren County and SNCR would be listed as additional insureds on The King's School's insurance policies and Ms. Patterson said they would. She indicated that she would personally assume the responsibility of ensuring that the appropriate coverages remained in place and that proof of insurance would be provided to SNCR and Warren County annually, as well as whenever it was requested. Ms. Patterson stated that The King's School was very concerned about the safety of its students and she would be happy to provide whatever documentation was necessary in order to prove that the School was proactive in this effort.

Mr. Tennyson apprised that the County Attorney's Office anticipated implementation of an annually renewable license agreement with The King's School for the railroad crossing, through which process the County Attorney would require certificates proving continuous liability coverage. He noted that by virtue of a prior resolution, an annual fee of \$50 was charged for each approved railroad crossing that fee and would apply in this case, as well, unless the Committee chose to proceed alternately.

Mr. Merlino made a motion to provide conceptual approval of the railroad crossing plans presented by The King's School, and Mrs. Wood seconded the motion.

A discussion ensued regarding the conceptual plans for the railroad pedestrian crossing, during which prior concerns were revisited regarding the safety procedures established for supervised student crossings. Mrs. Wood said she was worried that the procedure requiring a teacher/adult to unlock the gate on one side of the tracks, move all of the children through it and re-lock the gate before unlocking the other side to let the children through, might cause children to become trapped between the gates, and on the tracks, when a train was coming through. As a solution, Mr. Mason suggested moving the

gates closer to the tracks so that the teacher/adult could unlock both gates, shepherd the children through, and then re-lock the gates; he added that the farther from the tracks the gate was located, the more difficult the procedure would become. Mr. Avigdor assured the Committee that these issues, and suggestions, would be taken under advisement and relayed to the project engineer for review and possible inclusion in the final construction plans and safety procedures. He noted that the Committee would have the ability to review both the final crossing plans and revised safety procedures when final approvals of the construction plans was requested, prior to construction.

Mr. Taylor asked if there were any preventive measures in place to discourage students from crossing the tracks anywhere other than the designated pedestrian crossing and Mr. Avigdor responded that fencing would be installed on either side of the crossing with the idea that it would not be convenient for the students to do so. Mr. Avigdor noted that there were thousands of places along the rail line where people could cross unattended and this was only a very small area where crossing would be permitted. Mr. Gonyo pointed out that the fencing surrounding the walkway from the school to the railroad tracks would tie into the existing fencing bordering the back side of the school, only allowing the students to enter the crossing from one area.

Mr. Loeb commented that his neighbor's children attended The King's School and they were very excited about the prospective construction of the pedestrian crossing.

There being no further discussion on the matter, Mr. Bentley called the question and the motion to provide conceptual approval of the railroad crossing plans presented by The King's School was approved by majority vote, with Mr. Dickinson abstaining, and the necessary resolution was authorized for the May 17th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Avigdor thanked the Committee for their consideration of the conceptual plans, and for their consent. He advised that they would return to the Committee with more detailed construction plans once they were available. Mr. Tennyson suggested that once the design process had progressed closer to completion, a site tour could be scheduled for any concerned Committee members, prior to providing final approvals on the construction plans. Mr. Avigdor agreed this was a good idea and added that The King's School would be delighted to host such a meeting at any time.

Resuming the agenda review, Mr. Butler directed the Committee members to Page 4 which reflected a request to authorize Up Yonda Farm to hold two Open House events per year for the purposes of promoting Up Yonda Farm to the public. He noted that during these events, visitor parking fees would be waived, but program fees would be charged for anyone wishing to participate in them. Mr. Butler advised the 2013 Open House events were being planned for June 23rd and August 5th and he said they presented a good opportunity for people to become acquainted with the facility. Mr. Tennyson noted that they had traditionally held annual Open House events at Up Yonda but they were now seeking formal authority to waive the parking fees.

Motion was made by Mr. Taylor, seconded by Mr. Conover and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the May 17th Board meeting. *A copy of the request is on file with the minutes.*

As the one Referral Item listed, referring to The King's School's request for a pedestrian railroad crossing, had already been addressed, Mr. Butler concluded the agenda review by outlining the Items of Interest section, which pertained to the Spring Stocking Update from the Warren County Fish Hatchery. Mr. Butler circulated photos taken of a one year old Brook Trout and a two year old Rainbow Trout, copies of which are on file with the minutes. He noted that the new pond recently completed at the Warren County Fish Hatchery had worked very well and was used for the two year old Rainbow Trout which numbered approximately 1,350. He added that although the pond was a bit crowded, most of the fish were in very good shape, with all of their fins intact. Mr. Butler advised that they might

decrease the fish population in the tank for the next year because the higher number of fish had been a bit difficult to manage. He pointed out that agenda Page 5 included a stocking update and he noted that about 50% - 70% of the stocking had been completed and the process was going very well.

A brief discussion ensued relative to the fish stocking report, during which Mrs. Wood noted that she had spoken with a fisherman who had stopped by the Thurman Town Hall to advise he was very impressed with the quality of fish grown by the Warren County Fish Hatchery and was thrilled with their stocking procedures.

Mr. Butler also circulated a photo taken on February 23, 2013 of Captain Thomas Terry's Provincial Militia Colonial Walk, which consisted of a group of gentlemen re-enacting a march to Fort William Henry. He noted it was an annual event held along the Warren County Bikeway.

Privilege of the floor was extended to Mr. Tennyson, who distributed copies of the DPW agenda, a copy of which is on file with the minutes.

Mr. Tennyson advised the first two agenda items referenced the Overtime and Fuel Reports for all DPW Divisions, which were included on pages 1-4; he advised there was nothing of great importance to note on either Report.

Proceeding to agenda page 5, Mr. Tennyson presented a request to amend the existing contract with Clark Patterson Lee to set a per site fee for Phase 1 Environmental Surveys relating to potential foreclosure parcels. He apprised that the County Attorney had indicated the need for a formal resolution authorizing Clark Patterson Lee to conduct Phase 1 Environmental Surveys, as well as any additional follow-up environmental work for Phase 2 and beyond, for foreclosure sites. Mr. Tennyson advised that the Treasurer's Office, in connection with the Real Property Tax Services Office, had established a reserve to investigate potential foreclosure sites and Clark Patterson Lee had already completed one Phase 1 review for the Mullen Property and had three more investigations pending for the near future. Mr. Tennyson explained that the resolution requested would set a per site fee of \$2,000 for the Phase 1 inspections performed by Clark Patterson Lee for existing and future sites, with any extraordinary reviews under complex circumstances reverting to the terms of their existing contract.

Motion was made by Mr. Dickinson and seconded by Mrs. Wood to approve the request.

Mr. Conover noted that they should incorporate some sort of review at the County level to ensure the completeness of the Phase 1 review and Mr. Tennyson replied that they would certainly do so. He advised that when the review was performed for the Mullen Property, the documentation had been forwarded to his Office for review and approval prior to final acceptance. Mr. Tennyson apprised that the Phase 1 review typically included a record search which drew questions to guide the Phase 2 review and any site work or investigations. He concluded that although future resolutions regarding the foreclosure sites would continue to be presented by either the Treasurer's Office or the Real Property Tax Services Department, the DPW Engineering Division would continue to be involved in coordinating any engineering work.

There being no further questions on the request, Mr. Bentley called the question and the motion was carried unanimously to amend the existing contract with Clark Patterson Lee, as outlined above, and the necessary resolution was authorized for the May 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson announced that the resolution request included on agenda pages 8, 10 and 12 pertained to the renewal of annual contracts, as follows:

Page 8 - Request for new contract with Highway Rehabilitation Corp. for hot in-place pavement

- recycling for highway rehabilitation (WC 25-13)
- Page 10 - Request for new contract with Bell & Flynn, Inc. for cold milling pavement recycling (hammermill method) for highway rehabilitation (WC 27-13)
- Page 12 - Request for new contract with Reclamation, LLC for bituminous concrete pavement recycling (cold in-place) for highway rehabilitation (WC 28-13)

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve all three requests for new contracts, as outlined above, and the necessary resolutions were authorized for the May 17th Board meeting. *Copies of the resolution request forms are on file with the minutes.*

Mr. Conover questioned whether the towns would be permitted to use the aforementioned contracts in connection with their highway rehabilitation work and Julie Pacyna, Purchasing Agent, responded in the negative, advising that they were only allowed to use commodities contracts. Ms. Pacyna said the State was trying to change procedures to allow the towns to use other County contracts, but they had not yet done so.

Agenda page 14, Mr. Tennyson noted, included a request to authorize acceptance of a vacant parcel of land located adjacent to 13th Lake Road (CR 78) in the Town of Johnsburg. He reminded the Committee of a major landslide that had occurred a few years ago where a section of 13th Lake Road was washed out and subsequently closed while repairs were made. During the repair process, Mr. Tennyson recalled, the area was accessed through agreements with various property owners, one of which was the property proposed for transfer to the County. He apprised that the property totaled almost 4 acres and would prove valuable in terms of protecting the adjacent roadway; he added that agenda page 15 included a preliminary sketch of the acreage proposed for transfer. Mr. Tennyson noted that although he felt the DPW had done a good job of replacing the slope in that area following the landslide, they might face trouble in the future and additional site review was necessary to ensure sufficient space was available to reach the top of the slope to make additional future adjustments. In return for the transfer of property, Mr. Tennyson advised the property owner had requested reimbursement for \$600 in survey costs.

Motion was made by Mr. Conover and seconded by Mr. Merlino to approve the request.

Mr. Conover said it appeared there was a well located very close to the property line portrayed on the left side of the map, and a water line that crossed onto the parcel proposed for transfer, and he questioned where that water line led to. Mr. Tennyson replied that he was unsure where the line led to and advised that he had not seen anything identifying the well or water line upon preliminary inspection of the property. He added that it appeared the property located to the left side of the parcel was vacant and it was possible this was an old well facility that was not being used. Mr. Tennyson advised that they would review this further in their next site visit.

There being no further discussion on the matter, Mr. Bentley called the question and the aforementioned motion was carried unanimously, thereby authorizing the necessary resolution for the May 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson said agenda page 17 reflected a request for a transfer of funds as follows:

From Code	To Code	Amount
A.7111 110 Up Yonda, Salaries-Regular	A.7111 130 Up Yonda, Salaries-Part Time	\$4,800
DM.5410 110 Road Machinery, Motor Fuel Farms, Salaries-Regular	DM.5140 120, Road Machinery, Motor Fuel Farms, Salaries-Overtime	\$500

With reference to the \$4,800 transfer, Mr. Tennyson noted that an Up Yonda staff member had recently resigned and in order to maintain previously scheduled programming for the months of May and June, they needed to bring in a temporary person for the time being and later bring forth a request to permanently fill the vacancy. He apprised that 58 programs had been scheduled through the end of June, with estimated attendance levels of 2,329. Mr. Tennyson stated that immediate temporary help was critical so that they would not have to begin scaling back programs.

Regarding the \$500 transfer, Mr. Tennyson apprised that the 8 County Fuel Farms served 39 different agencies and he said a salary was charged against the associated budget for maintenance and inspection activities. He concluded that they had incurred some unexpected overtime costs and therefore a request was being made to transfer funds from the regular to overtime salary codes.

Motion was made by Mr. Mason, seconded by Mr. Conover and carried unanimously to approve the request for transfer of funds, as outlined above, and refer same to the Finance Committee. *A copy of the request for transfer of funds is on file with the minutes.*

Mr. Tennyson announced the next agenda item consisted of Items of Interest and Kevin Hajos, Deputy Superintendent of Public Works, addressed them, as follows:

- Beach Road Reconstruction Project - Mr. Hajos advised that as of the last Committee meeting, Beach Road had been closed to traffic between Canada Street and West Brook Road during the reconstruction process. He said the base pavement course, curbing and sidewalks had been installed and the top pavement course was being applied that day, with the road to be re-opened for the upcoming weekend, leaving only some incidental work to be finished. Mr. Hajos stated that the section of Beach Road, extending from West Brook Road to Fort George Road, would be closed next and appropriate detours identified, while construction and paving took place, with all of the paving work to be completed prior to the Memorial Day weekend holiday. *Photos of the Beach Road reconstruction work were circulated and copies are on file with the minutes.*
- Hicks Road Reconstruction Project
- Crane Mt. Road Bridge Replacement - With respect to both the Hicks Road Reconstruction and Crane Mt. Road Bridge Replacement Projects, Mr. Hajos advised both Projects were at the stage where plans and estimates were being submitted to NYSDOT (New York State Department of Transportation) for review, subsequent to which they would be released for construction bids. He noted that the plans for the Hicks Road project would be sent to NYSDOT later that day and the Crane Mt. Road Bridge plans would be sent out within the next two weeks.
- Bike Path Reconstruction - Rt. 149 to Rt. 9 - Mr. Hajos stated that a section of the Warren County Bikeway stretching between Rt. 149 and Rt. 9 had deteriorated, requiring reconstruction. He said the reconstruction had started earlier that day and the Bikeway would be closed for the remainder of the week, re-opening for the upcoming weekend.

With respect to the Beach Road Reconstruction Project, Mr. Tennyson advised that NYSDEC (New York State Department of Environmental Conservation) and NYSDOT were working together on design and construction plans for the NYSDEC owned section of Beach Road. He said he did not believe they would be ready to bid the construction work until the fall of 2013, but said they would keep the Committee apprised of the situation. Mr. Dickinson asked if the NYSDEC parking lot would be reconstructed in connection with the road construction and Mr. Tennyson replied in the negative, advising it was his understanding that the funding to be used for the road construction could not be used for the parking lot area. He continued that the parking lot was in need of reconstruction and NYSDEC/NYSDOT wanted to have the work done, but a source of funding had yet to be identified. Mr. Tennyson stated that the Beach Road Reconstruction Project had been a very large and complex undertaking, second only to the Corinth Road Project, and as they neared the project completion, he said the work had proceeded very

smoothly and he attributed this to the efforts of Mr. Hajos and the rest of the engineering staff, as well as the contracted construction company that was on track to complete the work well ahead of the anticipated construction schedule.

Mr. Dickinson commented that everyone involved had done a great job with the Beach Road Reconstruction Project. He said he had received very few complaints during the construction process and the new road looked very nice and would be an asset to the community.

A brief discussion ensued.

There being no further business to discuss, on motion made by Mrs. Frasier and seconded by Mr. Taylor, Mr. Bentley adjourned the meeting of the Public Works Committee at 11:00 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board